

REMARKS

Claim 17 has been amended and new claims 18 and 19 depending from claim 17 have been added. Claims 1 - 19 are currently pending.

In the Office Action, claims 1, 2, 5, 6, 16, and 17 are rejected under 35 U.S.C. 102 as anticipated by Agradi (DE 36 27 732 A1). Also, in the Office Action, claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agradi (DE 36 27 732 A1) in view of U.S. Patent No. 5,692,885 to Langer. Additionally, in the Office Action, claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agradi (DE 36 27 732 A1). Furthermore, in the Office Action, claims 10 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable Agradi (DE 36 27 732 A1) in view of U.S. Patent No. 4,594,500 to Wright. Also, in the Office Action, claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agradi (DE 36 27 732 A1) in view of U.S. Patent No. 4,429,845 to Stover et al, U.S. Patent No. 2,066,127 to Slayter, or UK 2,212,901.

The Office Action asserts that Agradi (DE 36 27 732 A1) shows a washer having a washing compartment (4) and a pump (13a) with the pump being disposed outside the washing compartment. However, Applicants respectfully submit that the Agradi reference does not teach or disclose the arrangement recited in claim 1 of the present application. The Agradi reference discloses a heating zone (17) and a pump section (38) (column 5, lines 56-62). The heating zone (17) has a heating element (23) that is spirally disposed around an outer perimeter (28) of a pipe section (22) (column 6, lines 7-30). The Agradi reference discloses that the pipe section (22) has an end (35), which is connected to a flange (26) that is provided on the pump housing of the pump (40) (column 6, line 63 to column 7, line 2). In the Agradi arrangement, the heating element (23) is disposed on the pipe section (22) and the pipe section (22) is in turn connected to the flange provided on the pump housing of the pump (40). The pipe section is attached to the pump housing and is not part of the pump housing. Accordingly, Agradi does not disclose that the heating element is disposed on the housing. This is contrary to the

invention of the instant application as claimed, in which a heating device is disposed on the pump housing in heat-conducting contact with the interior of the pump housing.

With regard to the rejection of claim 3 as being obvious over Agradi (DE 36 27 732 A1) in view of Langer (U.S. Patent No. 5,692,885) under 35 U.S.C. § 103, Applicants respectfully disagree with the assertion in the Office action, that "It therefore would have been obvious to one having ordinary skill in the art to modify the device of Germany '732, to have the heating device on the pump housing facing the motor for the purpose of providing a more compact arrangement." The Agradi reference explicitly teaches away from such a modification, furthermore, such a modification would destroy the function of Agradi. The Agradi reference discloses using stirring rotors (46, 46a, 46b, and 46c) in the pipe section (22) (Figs. 2, 4, 5, and 6) to generate a strong swirling of the liquid. As a result, deposits of cleaning agent residues and the like are prevented, and because the heating element (23) is spirally wound about the pipe section (22), there is a substantial improvement in the heat transfer from the electric heating element (23) to the liquid. Accordingly, the construction of the invention disclosed by Agradi is imperative (i.e. the heating element (23) being disposed on the pipe section (22)) because the interaction of the swirling liquid in the pipe section is the very core of Agradi's invention. Based on the above-provided comments, the modification suggested by the Examiner is explicitly taught away from and would destroy the core of Agradi's invention. Therefore, a person of ordinary skill in the art would not modify Agradi with the teaching of Langer to have the heating device on the pump housing facing the motor, as suggested by the Examiner.

A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614,1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the

invention taught is used against its teacher." Id. (quoting W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Most if not all inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the appellant. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998); In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. See WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981) (and cases cited therein). Whether the examiner relies on an express or an implicit showing, the examiner must provide particular findings related thereto. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence." Id. When an examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed on the record. See In re Lee, 277 F.3d 1338, 1342-45, 61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002).

With regard to the rejections of claims 8 – 15 under 35 U.S.C. 103 as obvious over Agradi in view of other respective references, it is submitted that these other

references nonetheless fail to remedy the above-noted absence of any teaching or disclosure in Agradi of the arrangement such as is recited in claim 1 of the present application.

It is also respectfully submitted that claim 17 as currently amended patentably defines over the prior art of record. Claim 17 as currently amended recites a dishwasher comprising a housing defining a dishwashing compartment and a pump for channeling liquid to the dishwashing compartment. The pump is fluidically connected to the dishwashing compartment, disposed outside the dishwashing compartment and inside the housing; and has a motor, an impeller, and a pump housing defining an interior and housing the motor and the impeller. The pump housing defines an inflow conduit through which the dishwashing liquid flows into the pump housing into contact with the impeller and the motor rotating a shaft connected to the impeller so as to rotate the impeller, the pump housing having an outside with a side facing the motor and a side facing away from the motor; the shaft of the motor extends outwardly from the pump housing on the side of the pump housing facing the motor, and the inflow conduit extends outwardly from the pump housing on the side facing away from the motor. The dishwasher recited in claim 17 as currently amended also recites a means for heating dishwashing liquid, the heating means disposed on the pump housing in heat-conducting contact with the interior of the pump housing. As noted above, it is submitted that Agradi does not disclose that a dishwasher having a heating element disposed on the housing and, moreover, Agradi does not teach or disclose, as recited in claim 17 as currently amended, a dishwasher having a pump housing defining an inflow conduit through which the dishwashing liquid flows into the pump housing into contact with the impeller and the motor rotating a shaft connected to the impeller so as to rotate the impeller, the pump housing having an outside with a side facing the motor and a side facing away from the motor; the shaft of the motor extends outwardly from the pump housing on the side of the pump housing facing the motor, and the inflow conduit extends outwardly from the pump housing on the side facing away from the motor, and a means for heating dishwashing liquid, the heating means disposed on the pump housing in heat-conducting contact with the interior of the pump housing.

As discussed in detail in the preceding remarks, it now is believed that all of the claims are allowable over the prior art and are in allowable form. Early allowance of Claims 1 - 19 is earnestly solicited.

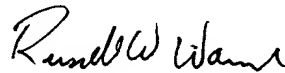
If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

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Name of Attorney Signing

Under 37 CFR 1.34

Respectfully submitted



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